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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 07-0653-SI
)	
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
)	ALLOWING PLAINTIFF ONE ADDITIONAL
v.)	DAY TO E-FILE RESPONSE TO MOTION
)	TO DISMISS
ABEL LOPEZ-MENERA,)	
)	Date: December 20, 2007
)	Time: 10:00 a.m.
)	Court: The Honorable Susan Illston
Defendant.)	

The parties hereby stipulate and agree as follows:

1. On Friday, November 30, 2007, ECF was taken off-line for routine maintenance late in the evening;
2. Defense counsel did not know that ECF was going to be taken off-line, and was not able to e-file her Memorandum of Points and Authorities in a timely manner. Defense counsel could not efile her brief over the weekend for the same reason;
3. Defense counsel was able to communicate with government counsel on Saturday, December 1, 2007 about the problem, and emailed the brief to government counsel's personal email address;

4. In the interest of fairness, defense counsel respectfully requests the Court to allow government counsel to E-file his responsive brief on Saturday, December 15, 2007, to allow for the day past the previously arranged schedule that defense counsel was able to deliver the Memorandum of Points and Authorities to government counsel. Counsel will arrange for service of the brief through personal email as well;
5. Defense counsel will file the reply brief on schedule; no later than December 18, 2007;
6. If the Court accepts the proposed modification to the briefing schedule, the motion hearing will remain as scheduled on December 20, 2007, at 10:00 a.m.

SO STIPULATED.

DATED: December 6, 2007

/s/
TAREK J. HELOU
Assistant United States Attorney

DATED: December 6, 2007


/s/
ELIZABETH FALK
Attorney for Defendant Abel Lopez-Menera

[PROPOSED] ORDER

For the reasons stated, the briefing schedule on Defendant's Motion to Dismiss is altered as stated in this stipulation. The Reply Brief and the Motion Hearing shall remain as previously calendared by this Court.

SO ORDERED.

DATED: 12/6/07


THE HONORABLE SUSAN ILLSTON
United States District Judge